

REMARKS

Upon entry of this amendment, claims 15-30 are pending. By the present amendment, claims 15, 19-21, 23 and 28 have been amended for clarity, and new claims 29 and 30 have been added. Favorable reconsideration of the application is respectfully requested.

The rejection of claims 15-28 under 35 U.S.C. §103(a) over Nathan (U.S. Patent No. 6,336,219 B1) in view of Kleiman (U.S. Patent No. 5,959,945) is respectfully traversed. Without acquiescing in the rejection, claims 15, 19-21, 23 and 28 have been amended for clarity. Accordingly, the rejection will be discussed with respect to the claims, as amended.

Nathan is directed to a method of communications for an intelligent digital audiovisual playback system. In particular, Nathan discloses a digital jukebox system for reproducing audiovisual records chosen by a user. This jukebox includes a function to adjust the volume in different areas of the loudspeakers, and telecommunications menus allowing the downloading of audiovisual records from a host server. The jukebox of Nathan further enables the user to buy entry tickets for an artistic event. However, there is no teaching or suggestion in Nathan of enabling a user to make requests *in advance* for specific items to be played on specific destination equipment at times or during events selected by the user *from the user's own terminal* (the user's own terminal not being the destination equipment). Quite to the contrary, Nathan specifically teaches that only the manager or operator (of the system to which the jukebox belongs) of the jukebox can

order the reproduction system connected to the host server play a particular song at a particular time.

Kleiman is directed to a system for selectively distributing music to a plurality of jukeboxes. Kleiman teaches a jukebox system including a server and a plurality of jukeboxes communicating via a telecommunications system. The server broadcasts a list of songs available to each jukebox of the system, then the users of the jukeboxes download the songs chosen from the list. The songs are encrypted during downloading.

There is no teaching or suggestion in either Nathan or Kleiman of allowing or enabling the user to select, *in advance, via the user's terminal* (a location other than directly at the jukebox) a song and order it so that the song can be played on a given date on a given jukebox or on several given jukeboxes. The claimed invention, on the other hand, specifically recites that the user can select, *in advance, and from the user's terminal* (i.e., a location other than the jukebox itself) the date, time and place of the execution at his request. Moreover, there is no teaching or suggestion in the cited references of the claimed feature of providing the ability of the user to record a voice message to be played before the song to be played, or of the ability of the user to select the execution of a song on one jukebox and order its execution at a deferred time on another jukebox. These features are not disclosed or suggested in either Nathan or Kleiman. Applicants respectfully do not acquiesce in the Official Notice taken in the Office Action with respect to various elements. It is respectfully submitted that in order to establish that

NATHAN et al
Serial No. 09/585,325
Amendment in RCE dated February 4, 2004
Response to Office Action dated June 4, 2003

such elements are well known, some teaching in the prior art must cited to support the Official Notice taken in the Office Action.

Therefore, it is respectfully submitted that neither Nathan nor Kleiman, either singly or in combination, disclose, teach or suggest the features of the claimed invention. Accordingly, even if, *arguendo*, the combination of Nathan and Kleiman were proper, the combination nevertheless fails to render the claimed invention obvious. Thus, reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Updeep S. Gill

Reg. No. 37,334

USG:dbp
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100